

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Crim. No. 12-00381 HG-2
)	
Plaintiff,)	
)	
vs.)	
)	
ANTOINE MAURICE LEWIS,)	
)	
)	
Defendant.)	
_____)	

**ORDER GRANTING GOVERNMENT'S MOTION TO REDUCE SENTENCE PURSUANT TO
RULE 35(B)(1) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE**

On November 20, 2012, Defendant Antoine Maurice Lewis ("Defendant") plead guilty to Count 1 of the Indictment, (ECF No. 19), charging him with conspiracy to possess with the intent to distribute, and to distribute 50 grams or more, to wit, approximately 569 grams of methamphetamine, its salts, isomers, and salts of its isomers, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A). (ECF No. 70).

At the sentencing hearing on March 28, 2013, the Court granted the Government's request to continue the hearing to allow it to file a Motion for Downward Departure. (ECF No. 105).

On April 22, 2013, the Government filed a Motion For Downward Departure pursuant to 5K1.1 of the Sentencing Guidelines. (ECF No. 108). The Motion for Downward Departure was based upon Defendant's pre-sentence substantial assistance to

government authorities. (Id. at 1-2).

At the continued sentencing hearing on April 29, 2013, the Court granted the Government's Motion For Downward Departure. (ECF No. 122). The Government's Oral Motion to Dismiss Counts 2, 3 and 4 of the Indictment was also granted. (Id.) The Court sentenced Defendant to a term of 170 months of imprisonment. (Id.).

On January 24, 2014, the Government filed a Motion entitled "MOTION TO REDUCE SENTENCING UNDER RULE 35(b) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE" ("Motion to Reduce Sentence"). (ECF No. 143). The Motion to Reduce Sentence was based upon post-sentence substantial assistance to government authorities. (Id. at 2).

The Motion To Reduce Sentence recommends a 40 month departure from Defendant's sentence, reducing Defendant's sentence from 170 months to 130 months of imprisonment.

On January 29, 2014, Defendant filed a Response to the Motion to Reduce Sentence, stating that he supports the Government's motion. (ECF No. 145).

STANDARD OF REVIEW

Federal Rules of Criminal Procedure, Rule 35(b)(1) provides:

(1) In General. Upon the government's motion made within one year of sentencing, the court may reduce a sentence if the defendant, after sentencing, provided substantial assistance in investigating or prosecuting another person.

A Rule 35 motion is essentially a plea for leniency and is addressed to the sound discretion of the district court. United States v. Smith, 964 F.2d 885, 887 (9th Cir. 1992); United States v. Hooton, 693 F.2d 857, 859 (9th Cir. 1982).

ANALYSIS

The Court finds that Defendant substantially assisted the Government in the investigation and prosecution of another person. A reduction of Defendant's sentence pursuant to Rule 35(b)(1) is appropriate. Based on the nature of Defendant's cooperation, the circumstances of Defendant's criminal conduct, and Defendant's prior criminal history, the Court grants a sentence reduction of 40 months, finding the sentence of 130 months in the case to be consistent with the Sentencing Guidelines and the Sentencing Commission's policy statements.

CONCLUSION

In accordance with the foregoing, the Court **GRANTS** the Government's motion to reduce Defendant's sentence. The Court

//

//

//

//

//

//

//

reduces the sentence of Defendant from 170 months to 130 months of confinement. All other aspects of Defendant's sentence remain unchanged.

IT IS SO ORDERED.

Dated: February 6, 2014, Honolulu, Hawaii.



/s/ Helen Gillmor

Helen Gillmor
United States District Judge

United States v. Antoine Maurice Lewis, Crim. No. 12-00381 HG-2;
**ORDER GRANTING GOVERNMENT'S MOTION TO REDUCE SENTENCE PURSUANT TO
RULE 35(B)(1) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE**